

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>COREY BEITLER</b> <i>Petitioner, pro se</i>	:	<b>CIVIL ACTION</b>
	:	
	:	
v.	:	<b>NO. 22-0804</b>
	:	
	:	
<b>KYLE RUSSELL, et al.</b> <i>Respondents</i>	:	

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of August 2022, upon consideration of *pro se* Petitioner Corey Beitler’s (“Petitioner”) *petition for writ of habeas corpus*, [ECF 1], and after a careful and independent review of the Report and Recommendation issued by United States Magistrate Judge Scott W. Reid, [ECF 11], to which no objections were filed, is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;<sup>1</sup>
2. The petition for a writ of *habeas corpus* is **DISMISSED**, *without prejudice*;
3. There is no basis for the issuance of a certificate of appealability; and
4. The Clerk of Court shall mark this matter **CLOSED**.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro

**NITZA I. QUIÑONES ALEJANDRO**

*Judge, United States District Court*

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<sup>1</sup> On July 21, 2022, Magistrate Judge Reid filed the Report and Recommendation (“R&R”), recommending that Petitioner’s claims be dismissed, without prejudice, for failure to exhaust state remedies. [ECF 11]. Notably, Petitioner is currently awaiting trial on a charge of receiving stolen property and filed this *habeas* petition while in pretrial detention. As of the date of this Order, Petitioner has not filed any objections to the R&R, and the time to do so has expired. In the absence of any objections, a magistrate judge’s report and recommendation is reviewed under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at \*2 (E.D. Pa. May 30, 2003). Under this plain-error standard of review, a district court should only reject a report and recommendation if the magistrate judge committed an error that was “(1) clear or obvious, (2) affect[ed] ‘substantial rights,’ and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough, independent review of the record and the R&R, this Court finds no error was committed by the Magistrate Judge and, therefore, approves and adopts the R&R in its entirety.